

# MOSES & SINGER LLP

## MEMO ENDORSED

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not fax such certification to Chambers.

BY FACSIMILE: (212) 805-0423

The Honorable Laura T. Swain  
 Daniel Patrick Moynihan United States Courthouse  
 500 Pearl Street, Room 755  
 New York, NY 10007

Re: *Columbia Pictures Industries, Inc. v. Cohen,*  
07 Civ. 3597 (LTS)

Dear Judge Swain:

We are writing to request a one month adjournment of the hearing on Plaintiffs' application for a preliminary injunction and the pre-trial conference, both of which are presently scheduled to be held on September 12, 2007. This is our third request to adjourn the hearing on Plaintiffs' application and our second request to adjourn the pre-trial conference. The previous requests were all granted. We request these additional adjournments because we continue to be actively engaged in settlement discussions with the Defendants.

We are also writing, at the suggestion of your law clerk, Mr. Tyler Freedman, to request Your Honor's guidance on another matter. We would like to file a Second Amended Complaint naming seven additional defendants, originally sued as John and Jane Doe Nos. 12 through 18, whose identities have become known to us in the course of negotiations with other, related defendants. Our contemplated Second Amended Complaint will not change any of the existing claims against any of the current defendants. Rather, it would simply identify by name seven John and Jane Doe defendants. We would like to know whether, under these circumstances, such an amendment may only be made by motion.

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September 7, 2007

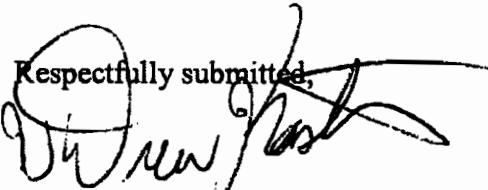
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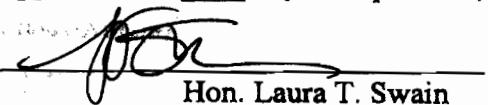
Thank you for your attention to this matter.

Respectfully submitted,

  
W. Drew Kastner

The conference and hearing are adjourned to  
October 11, 2007 at 2:30pm. The amendment may  
be filed and served if no opposition thereto is filed  
with the Circuit by September 19, 2007.

Approved this 10 day of September, 2007

  
Hon. Laura T. Swain

DAW:a

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